

DARRELL E. ISSA

49TH DISTRICT, CALIFORNIA

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Congress of the United States
House of Representatives
Washington, DC 20515-0549

13-000-2242

COMMITTEE ON OVERSIGHT AND
GOVERNMENT REFORM
CHAIRMAN

COMMITTEE ON THE JUDICIARY
INTELLECTUAL PROPERTY
SUBCOMMITTEE

February 19, 2013

Mr. Christopher Bliley
Associate Administrator for Congressional and Intergovernmental Relations
Environmental Protection Agency
1200 Pennsylvania Ave, NW
Room 3426 ARN
Washington, D.C. 20460

Dear Mr. Bliley:

My constituent, Ms. *Exp. 6* located at 34172 Capistrano by the Sea Dana Point, California 92629, has asked me for assistance with a matter relating to your agency.

Constituent, Ms. has created a trust and named her six children as beneficiaries. One of the beneficiaries, son, was President of Omega Chemical Companies and was found guilty of violating EPA regulations in 1995. Omega Chemical is now a superfund site. The EPA has made numerous requests of to provide personal trust and financial information and detailed responses have been provided. EPA continues to request information and this is a concern to Ms. Ms. has made clear that she did not own or manage Omega Chemical and EPA's business is with

I would appreciate a review of the enclosed paperwork so I can provide an answer to this problem as quickly as possible. Should you require any additional information, please feel free to contact Ms. Amy Walker in my Vista district office at 760-599-5000.

Thank you for your assistance with this matter.

Sincerely,

Darrell Issa
Member of Congress

DARRELL E. ISSA
49TH DISTRICT, CALIFORNIA

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COMMITTEE ON OVERSIGHT AND
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CHAIRMAN

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JAN 14 2013
INTELLECTUAL PROPERTY
SUBCOMMITTEE

Congress of the United States
House of Representatives
Washington, DC 20515-0549

CONSTITUENT ASSISTANCE FORM

Name: Mr. Mrs. Ms. Miss. Exp. Le

Address: _____

City: Dana Point, CA Zip: 92629-2940

Home Telephone: _____

Work: NA

SS #: _____

D.O.B: _____

Federal Agency(s) Involved: EPA

Agency Claim #: NA

I request the assistance of Congressman Darrell Issa in the following federal matter. (Please provide an explanation of the issue and attach photocopies of any related documents. Use additional paper if necessary):

Please see the attached letter from my
daughter Katherine A. O'Brien

Take a moment to answer the following questions:

Have you contacted my office previously regarding this matter? Yes

No

Have you contacted the federal agency involved in this matter? Yes

No

Have you filed an appeal to the decision? Yes

No

NA

In accordance with the provisions of the Privacy Act, I hereby authorize the Office of Congressman Darrell Issa to make inquiries on my behalf with the federal agency involved in my claim(s).

SIGNED: _____

Date: January 9, 2013

gx. 66

January 9, 2013

Congressman Darrell Issa
1800 Thibodo Road, #310
Vista, CA 92081

Dear Congressman Issa,

I am writing to you at the request of my mother, one of your constituents in Orange County California, asking for your assistance in a matter with the federal Environmental Protection Agency (EPA). A copy of her signed Constituent Assistance Form is enclosed.

My mother, _____, while 89 years of age, is quite alive and well and residing at 34172 Capistrano by the Sea in Dana Point, California. She is the Trustor of the _____ Irrevocable Trust. When the trust was created years ago she generously named her six children as beneficiaries. Unfortunately one of her beneficiaries, my brother _____, was President and owner of the now defunct Omega Chemical Company and was found guilty of violating EPA regulations in 1995. Omega Chemical is now a superfund site.

Over the last three years, the EPA has made five (5) requests of my mother and sister for my mother's personal trust and financial information. Four (4) requests were in the form of 104(e) Request for Information letters from Kathi Moore, Manager, Case Development/Cost Recovery Section. One request was a phone call made to my sister's home phone. Detailed answers to the requests were to be delivered to the following individuals:

Linda Ketellapper, SFD-7-5
U.S. Environmental Protection Agency, Region IX
Superfund Division
75 Hawthorne Street
San Francisco, CA 94105

Keith Olinger, SFD-7-5
U.S. Environmental Protection Agency, Region IX
Superfund Division
75 Hawthorne Street
San Francisco, CA 94105

The latest request, dated December 18, 2012 stated:

We have received and reviewed your May 19, 2012 response to EPA's May 15, 2012 104(e) Request for Information. We appreciate your response to that Request

for Information, and the information provided therewith. Based on our review of your response, and our further investigation of the Site, we believe you may have additional information that may assist EPA in its investigation of the Site. Consequently, we are hereby requesting the following additional information from you.

1. Provide all past trust records, including financial or accounting statements of the Irrevocable Trust, dated 3/13/1986, and a narrative description of all transfers, withdrawals, or disbursements of the assets of this trust, including any gifts made through the trust, from its creation to the present.
2. Provide all past trust records, including financial or accounting statements of the Irrevocable Trust II, dated 11/21/2011, and a narrative description of all transfers, withdrawals, or disbursements of the assets of this trust, including any gifts made through the trust, from its creation to the present.
3. Provide an estimate of the value of each of the assets currently or previously held by the Irrevocable Trust II, dated 11/21/2011.
4. Provide copies of all insurance policies (including annuities and any life insurance policies) held by the Irrevocable Trust II, dated 11/21/2011.
5. Provide all current and past account statements for the Signator Investor Inc. Portfolio Acct. listed among the assets of the Irrevocable Trust II, dated 11/21/2011.

EPA has the authority to request this information pursuant to Section 104(e) of the Comprehensive Environment Response, Compensation, and Liability Act of 1980, 42 U.S.C. Section 9604(e). Please note that failure to respond fully and truthfully to this request may result in civil actions and penalties.

All trust records and financial transactions since 1986, with narratives, within 15 days – over the holidays – regarding my mother's finances, not my brother's! My mother and the Trustee, my sister, have always complied and yet the requests continue, often onerous, excessively broad and intrusive, and often asking for the same information.

When I look at the CERCLA code referenced above, it states:

(2) Access to information

Any officer, employee, or representative described in paragraph (1) may require any person who has or may have information relevant to any of the following to furnish, upon reasonable notice, information or documents relating to such matter:

(A) The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility.

(B) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility.

(C) Information relating to the ability of a person to pay for or to perform a cleanup.

Just what does the value of my mother's finances have to do with my brother's ability to pay for cleanup? What do her life insurance policies or all her trust financial transactions dating back to 1986, 26 years, have to do with the current "site investigation" of the Omega superfund site? My sister, the Trustee, has provided them with all current asset information contained within the trust, inclusive of bank account numbers, tax filings, life insurance policy information, trust documents, etc., yet they keep issuing new requests for additional information that is beyond reason. For instance, their request for all trust records back to 1986 would include all insurance premium statements, all bank statements, all attorney and tax accountant correspondence, etc., etc. This is not only broad, unfocused, and intrusive but would take an enormous amount of my sister's time, again incurring extreme financial costs to produce copies of all trust related documents.

I find it hard to believe all of these historical document copies of a trust, such as premium payments, would provide "Information relating to the ability of a person to pay for or to perform a cleanup" in the context of their request.

We have already established that my mother in no way owned or managed any part of the Omega Chemical Company. She has no knowledge of my brother, ability to pay for cleanup. Their relationship is estranged. Now the EPA harasses her and my sister in his name.

The rest of my siblings and I feel that the EPA has taken a morbid interest in my mother's finances and life insurance policies. My mother is alive. The trust is wholly hers. She is free to manage the trust as she sees fit within the limits of the law for an irrevocable trust. It is irrevocable! Claims that my brother, or the EPA for that matter, might have on her trusts can only be made upon my mother's passing, if indeed - survives our mother.

Yet she is alive and well - paying her taxes, voting, and attempting to enjoy her retirement in Dana Point. I am asking you to intervene with the EPA for my mother and kindly request them to back off. Their business is with my brother, not with my mother or my sister, the Trustee of the trust.

Thank you for your care and any assistance you can provide with this matter.

g+p-ll

Enc: Constituent Assistance Form dated January 9, 2013

DARRELL E. ISSA
49TH DISTRICT, CALIFORNIA

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Congress of the United States
House of Representatives
Washington, DC 20515-0549

Congressman Darrell E. Issa
49th District, California
1800 Thibodo Road, Suite 310
Vista, CA 92081
Phone: (760) 599-5000
Fax: (760) 599-1178

Please Deliver To:

Name: EPA

Phone: _____

Fax: _____

Pages To Follow: 5

Date: 2/19/13

From:

Addie Maushardt

Ryan D. Peters

✓ Amy Walker

Lenna Wright

Shawna Rain

Steve Danon

Message:

___ For Your Information ___ Per Your Request ___ Per Our Conversation

Note:

Confidential Note: This facsimile contains confidential information intended only for the use of the individual or entity named above. If the reader of this facsimile is not the intended recipient or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any retention, dissemination or copying of this facsimile is strictly prohibited. If you have already received this facsimile in error, please notify us immediately by telephone and return the original to us at the above address by the United States Postal Service.

If you do not receive all intended pages, please call: (760) 599-5000



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 9
75 Hawthorne Street
San Francisco, California

MAR 7 2013

The Honorable Darrell E. Issa
U.S. House of Representatives
2347 Rayburn House Office Building
Washington, DC 20515-0549

Re: EPA Response to February 19, 2013 Letter Regarding

Supple

and

Supple

Dear Congressman Issa:

The U.S. Environmental Protection Agency (EPA) Region 9 Office was asked to respond to your February 19, 2013 letter to EPA's Office of Congressional and Intergovernmental Relations, regarding your constituent, _____ as further described in a letter dated January 9, 2013 from _____ Ms.

As _____ stated in her letter, EPA's business is with her brother _____ the former owner and operator of the Omega Chemical Corporation facility in Whittier, California. Hazardous industrial solvents from that facility have been found in soil, indoor air in numerous area buildings, and in groundwater more than four miles away, in the cities of Santa Fe Springs and Norwalk. In 1999, the Omega Chemical Corporation Superfund Site was listed on the National Priorities List, EPA's list of priority cleanup sites. To date, numerous other entities collectively have paid millions of dollars to help clean up this contamination. EPA's selected interim remedial action for containment of the contaminated groundwater is expected to cost approximately \$70 million.

Unreimbursed federal response costs for the Omega site currently exceed \$18 million. Mr. _____, a liable party, has not cooperated with EPA or paid any response costs related to the cleanup. EPA has an interest in determining his ability to pay for Site cleanup, one of the expressly authorized types of information EPA may request under Section 104(c)(2)(C) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). EPA's inquiries about Mr. _____ assets were directed first towards him but, after those efforts were unproductive, EPA ultimately sought information from Mr. _____ mother and sister, who share a financial connection with Mr. _____

We regret any hardship felt by _____ or _____ another of _____ daughters, in responding to EPA's requests for information. The following explanation of the process and intent behind EPA's requests for information demonstrates that

the requests were within EPA's statutory authority. The 104(e) requests were designed to elicit information about the trusts in which [redacted] has a stake, and were not focused on Ms. [redacted] nor Ms. [redacted] finances specifically.

History of Information Requests for the Omega Chemical Superfund Site

As noted in [redacted]'s letter to you, EPA made five requests for information of [redacted] and Ms. [redacted] consisting of four written requests and one phone call. EPA sent letters to both on August 28, 2009, and sent supplemental requests to Ms. [redacted] on May 15, 2012 and December 18, 2012. The purpose of these inquiries was to determine what assets [redacted] might currently possess, as well as to identify his potential future assets.

As a result of the letters sent in 2009, EPA learned of the existence of personal loans made to Mr. [redacted], as well as certain details of the [redacted] Irrevocable Trust, of which Mr. [redacted] a beneficiary. Since Ms. [redacted] was listed as the trustee of the

Irrevocable Trust, EPA directed a supplemental 104(e) letter to her dated May 15, 2012, to learn more about the trust and other assets ultimately intended for Mr. [redacted]. Of particular importance was the value of the assets held in the trust, including life insurance policies and investments.

In response to this supplemental 104(e) letter, Ms. [redacted] informed EPA that a new trust had been established, the [redacted] Irrevocable Trust II, of which Mr. [redacted] was also a beneficiary. Similar to provisions of the first trust, this new trust contains a "Right of Withdrawal" clause, according to which any child/beneficiary has the power to withdraw his or her share of cash or other property (the language of the first trust's withdrawal provision explicitly contemplates distribution of life insurance policies) at the time the Settlor/Trustor, or any other person contributes a gift of cash or property to the trust. Any such contribution to the trust or withdrawal or distribution to [redacted] would be of interest to EPA. Ms. [redacted]'s May 19, 2012 response to the May 15, 2012 104(e) letter did not provide all of the requested information. Specifically, it did not provide any information concerning any withdrawals or distributions made to beneficiaries, or an estimate of assets transferred to the new trust, including the value of four life insurance policies and an investment account. EPA deemed this information important to determine Mr. [redacted]'s potential and future assets.

Consequently, on August 14, 2012, a representative of Toeroek Associates, Inc., EPA's contractor, called Ms. [redacted] to request the information and documents not provided with her May 19, 2012 response. Ms. [redacted] asked that EPA submit this request in writing. As a result, on December 18, 2012, EPA sent a supplemental 104(e) letter to Ms. [redacted] asking for information not provided in her prior response. In addition, EPA requested information that would show whether there had been any gifts to the trust or withdrawals from the trust, in case either of these actions resulted in Mr. [redacted] obtaining funds from the two trusts. Ms. [redacted]

January 4, 2013 response confirms that in fact a distribution was made to all beneficiaries of the trust in 2011. Although she did not provide other documents requested by EPA, Ms. [redacted] has agreed to make them available for EPA's review and copying.

We trust that the information provided herein will assist you in responding to your constituent. Should you have any additional questions about this matter, please contact our Congressional Liaison, Brent Maier, who can be reached at (415) 947-4256 or maier.brent@epa.gov.

Sincerely,



Jane Diamond
Director, Superfund Division
U.S. Environmental Protection Agency, Region 9

Cc: Ms. Amy Walker, Vista District Office

13-000-2618

DARRELL E. ISSA, CALIFORNIA
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ONE HUNDRED THIRTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

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LAWRENCE J. BRADY
STAFF DIRECTOR

February 28, 2013

Mr. Bob Perciasepe
Acting Administrator
U.S. EPA Headquarters, Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Mr. Perciasepe:

As the ongoing debate about the effects of sequestration continues at all levels of government, I request your assistance in identifying alternatives that will balance the need to reduce spending and maintain the essential functions of the federal government. Pursuant to the Budget Control Act of 2011 (P.L. 112-25), as modified by the American Taxpayer Relief Act of 2012 (P.L. 112-240), the sequester requires \$85 billion (or 2.3% of the budget) in spending reductions in FY 2013 and a total of \$1.2 trillion over the next ten years.

Rhetoric from the White House about the effects of sequestration suggests that the spending cuts will be catastrophic. On February 26, 2013, the President warned an audience in Newport News, Virginia, that the sequester will cause a disruption to basic services on which Americans depend. He stated:

The sequester will weaken America's economic recovery. It will weaken our military readiness. And it will weaken the basic services that the American people depend on every single day. . . . Across the country, these cuts will force federal prosecutors to close cases and potentially let criminals go. Air traffic controllers and airport security will see cutbacks, and that could cause delays at airports across the country. Tens of thousands of parents will have to scramble to find child care for their kids. Hundreds of thousands of Americans will lose access to primary care and preventive care like flu vaccinations and cancer screenings.¹

The Administration has also warned that the sequester could cost hundreds of thousands of Americans their jobs, including teachers, border patrol agents, and food inspectors. The President has called for Congress to find an alternative to the sequester.² The House voted twice

¹ White House Office of the Press Secretary, Remarks by the President on the Impact of the Sequester - Newport News, Va. (Feb. 26, 2013).

² See, e.g., *Id.*

in 2012, in May and December, to replace the sequester with responsible cuts and reforms.³ To date, the Senate has not voted on either proposal.⁴

As government leaders and members of the public debate the merits of sequestration, it is imperative that we look for ways to control government spending. According to the White House, the President is serious about cutting spending.⁵ For the past four years, the federal government has run deficits of over \$1 trillion. During the same period, the Senate has failed to pass a budget, leaving the federal government without a blueprint for fiscal responsibility. Congress and the President must enact meaningful reforms that make the government more efficient and effective and promote economic growth. We cannot avert sequestration without a plan to end the undisciplined and unsustainable federal spending that resulted in the sequester in the first place.

Raising taxes on the American people for a second time this year is not the solution to sequestration. Put simply, it is not a prudent way to address the rapid expansion of government spending. In fact, according to the Congressional Budget Office, the federal government is expected to collect record revenues this year, totaling approximately \$2.7 trillion.⁶ When you consider that since President Obama took office, \$5.9 trillion has been added to the national debt because of irresponsible spending, forcing the American people to pay more taxes is not the solution. The American people must not be forced to pay more in taxes.

It is time for the federal government to eliminate wasteful and duplicative programs, in addition to making reductions in non-essential agency programs. The President agrees. He cited cutting government spending on "wasteful programs that don't work" as part of his preferred alternative to the sequester.⁷ I am writing to request your assistance in identifying such programs.

The House Committee on Oversight and Government Reform has catalogued hundreds of recommendations from the community of inspectors general to reduce waste and improve efficiency throughout the federal bureaucracy. Many of their recommendations can be implemented in the short term. For example, at the Environmental Protection Agency, Inspector General Arthur Elkins, Jr. identified coordination between the Environmental Job Training Program with other EPA funded job training programs as a way to reduce waste and improve efficiency.⁸

³ Blog of Speaker John Boehner, "White House Clearly Not Happy About Being Held Accountable for Its Sequester," available at <http://www.speaker.gov/general/white-house-clearly-not-happy-about-being-held-accountable-its-sequester/?ref=home> (last accessed Feb. 27, 2013).

⁴ *Id.*

⁵ The White House Blog, "A Balanced Plan to Avert the Sequester and Reduce the Deficit," available at <http://www.whitehouse.gov/blog/2013/02/21/balanced-plan-avert-sequester-and-reduce-deficit> (last accessed Feb. 27, 2013).

⁶ CBO, "The Budget and Economic Outlook: Fiscal Years 2013 to 2023," Pub. No. 4649 (Feb. 2013).

⁷ White House Office of the Press Secretary, Remarks by the President on the Impact of the Sequester – Newport News, Va. (Feb. 26, 2013).

⁸ Letter from EPA IG Arthur Elkins to H. Oversight and Gov't Reform Comm. Chairman Darrell Issa (Dec. 28, 2013).

Mr. Bob Perciasepe
February 28, 2013
Page 3

I would like to supplement the recommendations of Inspector General Arthur Elkins, Jr. with your suggestions for reducing waste at the agency. To assist the Committee in its effort to collect ideas to reduce waste and improve efficiency, please:


1. A targeted list of programmatic spending reductions that would be more beneficial to the American people than the across-the-board sequestration; and,
2. A list of programs no longer necessary to meet the goals of the agency.

The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and may at "any time" investigate "any matter" as set forth in House Rule X. An attachment to this letter provides additional information about responding to the Committee's request.

When producing documents to the Committee, please deliver production sets to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2471 of the Rayburn House Office Building. The Committee prefers, if possible, to receive all documents in electronic format.

If you have questions about this request, please contact Jonathan Skladany or Jessica Donlon of the Committee Staff at (202) 225-5074. Thank you for your prompt attention to this matter.

Sincerely,



Darrell Issa
Chairman

Enclosure

cc: The Honorable Elijah E. Cummings, Ranking Minority Member

ONE HUNDRED THIRTEENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6143

Majority (202) 225-5074
Minority (202) 225-5051

Responding to Committee Document Requests

1. In complying with this request, you are required to produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You should also produce documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. Requested records, documents, data or information should not be destroyed, modified, removed, transferred or otherwise made inaccessible to the Committee.
2. In the event that any entity, organization or individual denoted in this request has been, or is also known by any other name than that herein denoted, the request shall be read also to include that alternative identification.
3. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, or thumb drive) in lieu of paper productions.
4. Documents produced in electronic format should also be organized, identified, and indexed electronically.
5. Electronic document productions should be prepared according to the following standards:
 - (a) The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
 - (b) Document numbers in the load file should match document Bates numbers and TIF file names.
 - (c) If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
 - (d) All electronic documents produced to the Committee should include the following fields of metadata specific to each document;

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH,
PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE,
SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM,

CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE,
DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,
INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION,
BEGATTACH.

6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box or folder should contain an index describing its contents.
7. Documents produced in response to this request shall be produced together with copies of file labels, dividers or identifying markers with which they were associated when the request was served.
8. When you produce documents, you should identify the paragraph in the Committee's schedule to which the documents respond.
9. It shall not be a basis for refusal to produce documents that any other person or entity also possesses non-identical or identical copies of the same documents.
10. If any of the requested information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), you should consult with the Committee staff to determine the appropriate format in which to produce the information.
11. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
12. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.
13. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control.
14. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you are required to produce all documents which would be responsive as if the date or other descriptive detail were correct.
15. Unless otherwise specified, the time period covered by this request is from January 1, 2009 to the present.
16. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data or information, not produced because it has not been

located or discovered by the return date, shall be produced immediately upon subsequent location or discovery.

17. All documents shall be Bates-stamped sequentially and produced sequentially.
18. Two sets of documents shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2471 of the Rayburn House Office Building.
19. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

Schedule Definitions

1. The term "document" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term "communication" means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, email (desktop or mobile device), text message, instant message, MMS or SMS message, regular mail, telexes, releases, or otherwise.

3. The terms "and" and "or" shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
4. The terms "person" or "persons" mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.
5. The term "identify," when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.
6. The term "referring or relating," with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is pertinent to that subject in any manner whatsoever.
7. The term "employee" means agent, borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee, subcontractor, or any other type of service provider.

CHRIS VAN HOLLEN

4th DISTRICT, MARYLAND

COMMITTEE ON THE BUDGET

13-000-1833

Congress of the United States
House of Representatives
Washington, DC 20515

1307 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20516
(202) 225-6341DISTRICT OFFICES:
51 MONROE STREET, #507
ROCKVILLE, MD 20850
(301) 424-3501

www.vanhollen.house.gov

February 5, 2013

Hon. Arvin Ganesan
Associate Administrator for Congressional and Intergovernmental Relations
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Room 3426 ARN
Washington, DC 20460-0003

Dear Associate Administrator Ganesan:

I am writing regarding the EPA standards for Fine Particles (PM_{2.5}).

A 16-pump gas station is currently planned for Wheaton, Maryland, which is located in my congressional district. The throughput volume per day is expected to be 250 vehicles per hour at 16 pumps, for 15.5 hours on weekdays and 13 hours on weekends. The station will be located 125 feet from single family and town homes, 850 feet from a school for special needs children, and 300 feet from an outdoor recreation center.

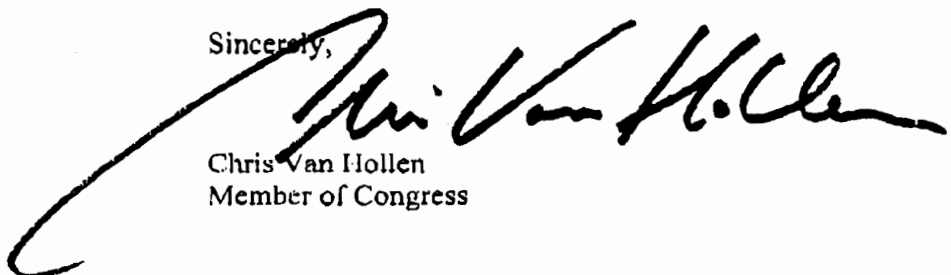
A number of my constituents are concerned that this gas station will be in violation of the recently-revised air quality standard for Fine Particles (PM_{2.5}).

I would appreciate your reviewing this matter and advising me as expeditiously as possible of your findings. Please direct all correspondence to me at the following address:

51 Monroe Street, Suite 507
Rockville, MD 20850
FAX: (301) 424-5992

If you need additional information, please contact Alex Wong in my Rockville office at (301) 424-3501 or by email at alex.wong@mail.house.gov. Thank you for your assistance.

Sincerely,



Chris Van Hollen
Member of Congress

**DISTRICT OFFICE OF
CONGRESSMAN CHRIS VAN HOLLEN**

**51 Monroe Street, Suite 507
Rockville, MD 20850**

Phone: (301) 424-3501 Fax: (301) 424-5992

Date: February 8, 2013

To: Arvin Ganesan
Tel: (202) 564-5200
Fax: (202) 501-1519
From: Alex Wong
Re: EPA Fine Particles (PM_{2.5}) Standards

Enclosed is a letter regarding EPA Fine Particles (PM_{2.5}) Standards.

Please contact me if you have any questions at (301) 424-3501.

Kind regards,

Alex Wong
Alex.Wong@mail.house.gov

Number of Pages: 2 pages (including cover page)



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**

KAY 2 5 AM

The Honorable Chris Van Hollen
Member, U.S. House of Representatives
51 Monroe Street, Suite 507
Rockville, Maryland 20850

Dear Representative Van Hollen:

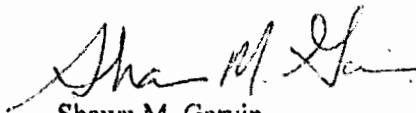
Thank you for your letter of February 5, 2013 to the U.S. Environmental Protection Agency (EPA) on behalf of your constituents regarding potential health concerns related to planned construction of a gasoline distribution facility in Wheaton, Maryland. Specifically, you raised a concern that this facility will be in violation of the recently revised air quality standard for fine particulate matter (PM_{2.5}).

EPA does not expect the siting of a single emissions source on the scale of a gasoline dispensing facility to significantly jeopardize the ability of the entire PM_{2.5} nonattainment area to meet the PM_{2.5} National Ambient Air Quality Standards (NAAQS). For highway and transit projects that are approved or funded by the Federal Highway Administration or Federal Transit Administration, including projects that could have a regionally significant impact or would otherwise impact the NAAQS, there are means to evaluate the project to ensure that it does not degrade the area's ability to meet the NAAQS. However, these requirements do not apply to the construction of a gasoline distribution facility, since the addition of a single gasoline dispensing facility of this size would not directly or indirectly cause an increase in PM_{2.5} or PM_{2.5} precursor emissions in sufficient quantities to jeopardize the area's ability to otherwise attain the PM_{2.5} NAAQS.

Under separate cover, EPA will be addressing your concerns regarding potential health effects related to volatile organic compounds and toxic air pollutants associated with siting of a new gasoline dispensing facility near residences and a school.

Enclosed please find additional background on the Washington, D.C. metropolitan area attainment status for fine particulates. If you have any questions, please do not hesitate to contact me or have your staff contact Mrs. Linda Miller, EPA's Maryland Liaison, at 215-814-2068.

Sincerely,



Shawn M. Garvin
Regional Administrator

Enclosure

Background: PM_{2.5} NAAQS
Washington, D.C. Metropolitan Area

In 1997, EPA established annual and daily National Ambient Air Quality Standards (NAAQS) for PM_{2.5} for the first time. The Clean Air Act (CAA) requires EPA to review the particulate pollution standards every five years, which resulted in EPA's decision to revise the daily NAAQS for PM_{2.5} in 2006 and in 2012 to revise the annual PM_{2.5} NAAQS.

In 2005, EPA designated the Washington, DC-MD-VA area (which includes Wheaton in Montgomery County, Maryland) as nonattainment under the 1997 annual PM_{2.5} NAAQS. In 2012, EPA issued a determination that the area had (based on the most recently available 2007-2009 air quality monitoring data) attained the NAAQS by its applicable attainment date. Although the area continues to monitor in attainment of the 1997 annual NAAQS, it remains designated nonattainment until the state meets the statutory requirements for redesignation to attainment. When EPA finalized designations under the revised 2006 daily PM_{2.5} NAAQS in 2012, the Washington, DC-MD-VA area was not designated nonattainment. EPA has not finalized designations for the 2012 annual PM_{2.5} NAAQS.

Upon designation of an area as nonattainment, affected states have a number of years (per timeframes established under the CAA) to meet the revised NAAQS. States may rely on emission reductions from measures they adopt, as well as from federal measures already in place, to reduce pollution to help them meet the standards. Emission reductions from EPA and states rules already approved are expected to allow the vast majority of areas to meet the revised PM_{2.5} standards. Emission reductions rules include clean diesel rules for vehicles and fuels, rules to reduce pollution and transported pollution from power plants and other major industrial sources, locomotives, and marine vessels among others.

10 Franklin Road, S.E.
Suite 640
Roanoke, Virginia 24011
PHONE: 540-857-2672
FAX: 540-857-2675
E-MAIL: Pete.Larkin@mail.house.gov

13-000-2351

Congressman Bob Goodlatte
Sixth District of Virginia

Fax

To: Mr. Jeffrey Lane, Assistant Secretary for Congressional and Intergovernmental Affairs, Department of Energy

From: Pete Larkin, District Director
Congressman Bob Goodlatte

Fax: 202-586-4891

Pages: 2

Phone: 202-586-6450

Date: 7/18/2012 2/6/2013

Re: ~~Constituent inquiry~~ Follow-up inquiry cc:

☐ Urgent ☒ For Review ☐ Please Comment ☒ Please Reply ☐ Please Recycle

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BOB GOODLATTE
5TH DISTRICT, VIRGINIA

2240 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-4904
(202) 225-5431
FAX (202) 225-0481
www.house.gov/goodlatte

DEPUTY REPUBLICAN WHIP

CHAIRMAN, HOUSE REPUBLICAN
TECHNOLOGY WORKING GROUP

CO-CHAIR,
CONGRESSIONAL INTERNET CAUCUS

CO-CHAIR,
CONGRESSIONAL INTERNATIONAL
ANTI-PIRACY CAUCUS

CO-CHAIR,
CONGRESSIONAL CIVIL
JUSTICE CAUCUS



Congress of the United States House of Representatives

February 6, 2013

COMMITTEE ON THE JUDICIARY

CHAIRMAN, SUBCOMMITTEE ON
INTELLECTUAL PROPERTY, COMPETITION,
AND THE INTERNET

SUBCOMMITTEE ON
CRIME, TERRORISM, AND HOMELAND
SECURITY

COMMITTEE ON AGRICULTURE
VICE CHAIRMAN

SUBCOMMITTEE ON
CONSERVATION, ENERGY,
AND FORESTRY

SUBCOMMITTEE ON
LIVESTOCK, DAIRY, AND POULTRY

Mr. Jeffrey Lane
Assistant Secretary for Congressional and Intergovernmental Affairs
U.S. Department of Energy
1000 Independence Avenue, S.W.
Forrestal Building, Room 7B138
Washington, D.C. 20585

VIA FAX

Dear Mr. Lane:

I have not received a response from you to my letter of July 18, 2012 on behalf of my constituent, Mr. *4494* A copy of my original letter is attached.

I would appreciate your looking into this matter and providing me with a response for my constituent. Please mail your response to my Roanoke office at the address marked below.

Thank you for your assistance.

With kind regards.

Very truly yours,

Bob Goodlatte
Member of Congress

RWG:pl

Attachment

☐ 2 SOUTH MAIN STREET
SUITE A, FIRST FLOOR
HARRISONBURG, VA 22801-3707
(540) 432-2281
FAX (540) 432-8303

☐ 518 MAIN STREET
SUITE 200
LYNCHBURG, VA 24504-1808
(434) 845-8308
FAX (434) 845-8245

☒ 16 FRANKLIN ROAD, S.E.
SUITE 540
ROANOKE, VA 24011-2121
(540) 857-2872
FAX (540) 857-2676

☐ 117 SOUTH LEWIS STREET
SUITE 215
STAUNTON, VA 24401-4203
(540) 805-3901
FAX (540) 805-0930

DEPUTY REPUBLICAN WHIP
CHAIRMAN, HOUSE REPUBLICAN
TECHNOLOGY WORKING GROUP
CO-CHAIR,
CONGRESSIONAL INTERNET CAUCUS
CO-CHAIR,
CONGRESSIONAL INTERNATIONAL
ANTI-PIRACY CAUCUS
CO-CHAIR,
CONGRESSIONAL CIVIL
JUSTICE CAUCUS

July 18, 2012

SUBCOMMITTEE ON
LIVESTOCK, DAIRY, AND POULTRY

VIA FAX

PRINTED ON RECYCLED PAPER

June 4, 2012

Re: Freon prices

To: Senator Jim Webb
248 Russell Senate Office Building
Washington, DC 20510

This letter is in reference to the high price of Freon.

Our regulatory agencies are killing us with the current issue of the Freon that is used for the older heat pumps. They have advised the manufacturers of this material to cut their production by 2/3rds. With this being said that would make a tank of Freon that would normally cost \$50.00 is now currently being sold for \$375.00 wholesale. With this drastic increase in price, it will force the average homeowner, who is already struggling, to make a decision to install a new cooling unit instead of making the current unit last for a few more years. This is due to regulations, not supply and demand.

It is the same logic that was used for "Clunkers for Cash". This has made it impossible for an average working person to purchase a cheap car to be able to get back and forth to work to even earn enough to try and cool his home.

Please explain to me why I am wrong with my thinking that things have to change.

Sincerely,

Exp

Roanoke, VA. 24019



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 12 2013

OFFICE OF
AIR AND RADIATION

The Honorable Bob Goodlatte
U.S. House of Representatives
10 Franklin Road, S.E., Suite 540
Roanoke, VA 24011-2121

Dear Congressman Goodlatte:

Thank you for your letter dated February 6, 2013, which included a question from Mr. ^{W. L.} of Roanoke, Virginia. Mr. ^{W. L.} is concerned about the rising cost of hydrochlorofluorocarbon (HCFC) refrigerant (HCFC-22), commonly referred to as freon or R-22.

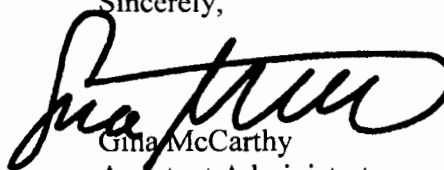
HCFCs deplete the stratospheric ozone layer, which protects the Earth from overexposure to ultraviolet (UV) radiation. Excessive UV radiation causes skin cancer, eye damage, and immune system suppression. Under the *Montreal Protocol on Substances that Deplete the Ozone Layer*, the United States and 196 other countries have agreed to incrementally phase out production and consumption of HCFCs. The treaty requires the United States to reduce HCFCs production and consumption by 90 percent by 2015, followed by a 99.5 percent reduction by 2020 and a complete phaseout by 2030.

The Clean Air Act requires the EPA to meet Montreal Protocol targets by limiting production and consumption of HCFCs as compared to historic baseline levels. The EPA carries out this mandate by issuing production and consumption allowances, which allow a company to produce or import a given quantity of a particular HCFCs. The EPA issues these allowances via rulemakings that span several years, usually aligned with phaseout milestones under the Clean Air Act and Montreal Protocol.

The price of HCFC-22 is affected by several factors, including the supply and price of raw materials to produce HCFC-22, demand for HCFC-22 in various markets, and operational matters in the production and distribution of HCFC-22. While the EPA's implementation of the Montreal Protocol does influence the amount of HCFC-22 production and importation each year by establishing annual allowances, we have received feedback from industry that there is a significant supply of available HCFC-22.

Again, thank you for your letter. If you have further questions, please contact me, or your staff may call Josh Lewis in the EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2095.

Sincerely,


Gina McCarthy
Assistant Administrator

13-000-2099

United States Senate
WASHINGTON, DC 20510

February 4, 2013

President Barack Obama
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear Mr. President:

On January 29, 2013, the Office of Management and Budget (OMB) received from the Environmental Protection Agency (EPA) the proposed Tier 3 gasoline rulemaking. To keep America's refining industry strong and protect consumers, we urge your Administration not to move forward with proposing new Tier 3 gasoline regulations. This major rulemaking could cost U.S. refiners billions of dollars, raise gasoline manufacturing costs, make it harder for U.S. refiners to compete in the global marketplace, and discourage refinery expansion here at home. The result could create a need to import more gasoline, increasing our trade deficit and reducing our energy security. Moreover, there is a lack of clear evidence to show the Tier 3 sulfur reduction envisioned by EPA would benefit health.

Existing rules have already dramatically reduced sulfur in gasoline. The earlier Tier 2 rulemaking reduced sulfur by 90 percent, from an average of 300 ppm to 30 ppm. Benefits of this reduction continue to be realized, and are part of the reason why America's gasoline and other fuels remain some of the cleanest in the world. Although proponents of a further reduction cite a Navigant Economics study, which they say shows that health benefits of a further reduction are well established, the Navigant study failed to include any of its own analysis of the health benefits. Health impacts are far from being "well established." In fact, EPA did not establish the health benefits at all.

EPA asserts that Tier 3 standards are needed to achieve the 2008 ozone National Ambient Air Quality Standards (NAAQS); however, all counties newly designated out of attainment under that standard are expected to achieve attainment by 2015, prior to Tier 3 even going into effect. Additionally, if imposed, Tier 3 would increase refinery greenhouse gas emissions at a time when EPA signaled that the Agency wants to reduce these emissions. Specifically, a study by energy consulting firm Baker and O'Brien found that additional hydrotreating, necessary to comply with more stringent Tier 3 requirements, would increase emissions of greenhouse gases from the refineries themselves. This would place an extra burden on an industry already under pressure because of declining demand and additional new or forthcoming requirements.

The Navigant Economics study underestimates the costs of the regulation and its impacts on competitiveness by referencing an overly simplistic model that evaluates what would happen at a handful of hypothetical refineries unrepresentative of the industry. Baker and O'Brien provided a far more robust analysis that examines the impacts of a Tier 3 sulfur rule at each and every existing U.S. refinery. This analysis concluded the planned regulation could impose capital costs on the industry approaching \$10 billion, corresponding to a recurring annual cost of \$2.4 billion. That translates to an increase in gasoline manufacturing costs up to nine cents per gallon.

With the nation's continued slow growth, we need a competitive U.S. refining industry producing the vast majority of our nation's petroleum fuels here at home and employing hundreds of thousands of Americans. Today, the refining industry supports roughly 540,000 jobs and represents nearly 2 percent of GDP. The refining industry is already heavily regulated, and any additional regulations must be smart, practical, and necessary. Tier 3 regulations are discretionary. EPA should not proceed with new regulations without first providing a scientific demonstration of health benefits along with a thorough analysis of the economic and supply impacts. Since EPA has failed to do this, your Administration should not move forward with proposing Tier 3 gasoline regulations.

Sincerely,

Dan Vitter

John Hoeven

Steve McClellan

Heidi Heitkamp

Mary J. Landrieu



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 22 2013

OFFICE OF
AIR AND RADIATION

The Honorable James M. Inhofe
United States Senate
Washington, D.C. 20510

Dear Senator Inhofe:

Thank you for your letter of February 4, 2013, co-signed by four of your colleagues, expressing concerns with the U.S. Environmental Protection Agency's forthcoming proposed regulations for motor vehicle emissions and gasoline standards known as the "Tier 3" standards.

The EPA is developing proposed Tier 3 standards to improve air quality by reducing harmful pollutants emitted from motor vehicles, and to create a harmonized national vehicle emissions control program. Similar to the Tier 2 standards referred to in your letter, we expect the proposed Tier 3 standards to be based on a "systems approach" that includes proposed vehicle emission standards as well as proposed reductions in gasoline sulfur content. Considering the vehicle and its fuel as an integrated system enables technologically feasible and cost-effective emission reductions beyond what would be possible looking at vehicle and fuel standards in isolation.

At the time the Tier 2 standards were developed, there was not sufficient data on vehicle operation and emission performance with gasoline sulfur levels below 30 ppm. Since that time, it has been demonstrated that catalyst efficiency would be significantly improved with even lower sulfur levels, including for Tier 2 vehicles. The Tier 3 gasoline sulfur standards that we are considering proposing would require sulfur levels similar to that already being achieved in California, Europe, Japan, South Korea, and several other countries. Lower sulfur gasoline will lead directly to emission reductions and is necessary to operate the pollution control equipment to achieve new Tier 3 vehicle standards.

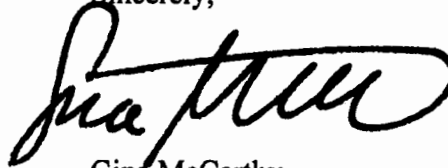
The EPA understands the importance of potential cost impacts on refineries, and that is why we will include extensive refinery-by-refinery analyses of the costs associated with the proposed Tier 3 gasoline sulfur control program in the proposed rulemaking, and solicit comment. We estimate the cost of the forthcoming proposed standards to be on average about a penny per gallon. Our evaluation of gasoline sulfur control costs has undergone independent peer review and is corroborated by two independent studies (by Mathpro Inc. and Navigant Economics). The Baker & O'Brien study cited in your letter, which estimates a slightly higher average cost increase of 2.1 cents per gallon, is based on a number of problematic assumptions that bias the study towards overstatement of costs, including but not limited to a very stringent cap on gasoline sulfur content and a lack of programmatic flexibilities the EPA plans to propose.

The proposed Tier 3 program we are considering would address significant public health issues that exist currently and are projected to continue in the future. The data and analysis detailing the need for and benefits of the proposed Tier 3 standards will be documented in the forthcoming notice of proposed rulemaking. By reducing motor vehicle emissions, the proposed standards would lead to improvements in ambient concentrations of harmful pollutants such as ozone and particulate matter (PM). Health benefits associated with reductions in ozone and PM are well-established, and the proposed Tier 3 program would lead to reductions in adverse health impacts such as respiratory symptoms in children, exacerbation of asthma and premature mortality. Further, implementation of the proposed Tier 3 program would assist areas with attainment dates in 2018 and beyond in attaining and maintaining the National Ambient Air Quality Standards for ozone and may relieve areas from some of the burden associated with adopting additional local controls.

It's important to emphasize that this would be a proposal, subject to stakeholder and public input through the notice and comment process. We agree that major rules such as Tier 3 require robust and transparent analyses of air quality, technological feasibility, and potential costs and benefits. The forthcoming Tier 3 proposed rulemaking package, which has not yet been published for comment, will contain extensive, detailed analyses of the rule's potential impacts on the refining and auto industries as well as its anticipated health and air quality benefits and potential impacts on refinery greenhouse gas emissions. The EPA will, of course, carefully consider and respond to all timely comments on the proposed rule before promulgating a final rule.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Patricia Haman in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2806.

Sincerely,

A handwritten signature in black ink, appearing to read "Gina McCarthy", with a large, sweeping loop at the end.

Gina McCarthy
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 22 2013

OFFICE OF
AIR AND RADIATION

The Honorable Mary L. Landrieu
United States Senate
Washington, D.C. 20510

Dear Senator Landrieu:

Thank you for your letter of February 4, 2013, co-signed by four of your colleagues, expressing concerns with the U.S. Environmental Protection Agency's forthcoming proposed regulations for motor vehicle emissions and gasoline standards known as the "Tier 3" standards.

The EPA is developing proposed Tier 3 standards to improve air quality by reducing harmful pollutants emitted from motor vehicles, and to create a harmonized national vehicle emissions control program. Similar to the Tier 2 standards referred to in your letter, we expect the proposed Tier 3 standards to be based on a "systems approach" that includes proposed vehicle emission standards as well as proposed reductions in gasoline sulfur content. Considering the vehicle and its fuel as an integrated system enables technologically feasible and cost-effective emission reductions beyond what would be possible looking at vehicle and fuel standards in isolation.

At the time the Tier 2 standards were developed, there was not sufficient data on vehicle operation and emission performance with gasoline sulfur levels below 30 ppm. Since that time, it has been demonstrated that catalyst efficiency would be significantly improved with even lower sulfur levels, including for Tier 2 vehicles. The Tier 3 gasoline sulfur standards that we are considering proposing would require sulfur levels similar to that already being achieved in California, Europe, Japan, South Korea, and several other countries. Lower sulfur gasoline will lead directly to emission reductions and is necessary to operate the pollution control equipment to achieve new Tier 3 vehicle standards.

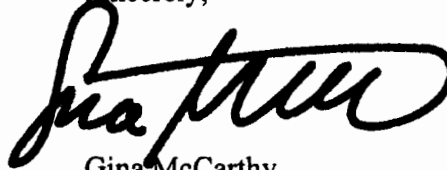
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It's important to emphasize that this would be a proposal, subject to stakeholder and public input through the notice and comment process. We agree that major rules such as Tier 3 require robust and transparent analyses of air quality, technological feasibility, and potential costs and benefits. The forthcoming Tier 3 proposed rulemaking package, which has not yet been published for comment, will contain extensive, detailed analyses of the rule's potential impacts on the refining and auto industries as well as its anticipated health and air quality benefits and potential impacts on refinery greenhouse gas emissions. The EPA will, of course, carefully consider and respond to all timely comments on the proposed rule before promulgating a final rule.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Patricia Haman in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2806.

Sincerely,

A handwritten signature in black ink, appearing to read "Gina McCarthy", with a stylized, flowing script.

Gina McCarthy
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 22 2013

OFFICE OF
AIR AND RADIATION

The Honorable Heidi Heitkamp
United States Senate
Washington, D.C. 20510

Dear Senator Heitkamp:

Thank you for your letter of February 4, 2013, co-signed by four of your colleagues, expressing concerns with the U.S. Environmental Protection Agency's forthcoming proposed regulations for motor vehicle emissions and gasoline standards known as the "Tier 3" standards.

The EPA is developing proposed Tier 3 standards to improve air quality by reducing harmful pollutants emitted from motor vehicles, and to create a harmonized national vehicle emissions control program. Similar to the Tier 2 standards referred to in your letter, we expect the proposed Tier 3 standards to be based on a "systems approach" that includes proposed vehicle emission standards as well as proposed reductions in gasoline sulfur content. Considering the vehicle and its fuel as an integrated system enables technologically feasible and cost-effective emission reductions beyond what would be possible looking at vehicle and fuel standards in isolation.

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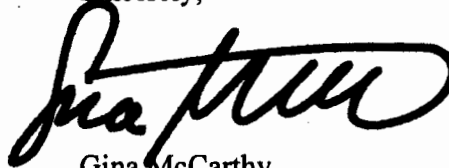
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The proposed Tier 3 program we are considering would address significant public health issues that exist currently and are projected to continue in the future. The data and analysis detailing the need for and benefits of the proposed Tier 3 standards will be documented in the forthcoming notice of proposed rulemaking. By reducing motor vehicle emissions, the proposed standards would lead to improvements in ambient concentrations of harmful pollutants such as ozone and particulate matter (PM). Health benefits associated with reductions in ozone and PM are well-established, and the proposed Tier 3 program would lead to reductions in adverse health impacts such as respiratory symptoms in children, exacerbation of asthma and premature mortality. Further, implementation of the proposed Tier 3 program would assist areas with attainment dates in 2018 and beyond in attaining and maintaining the National Ambient Air Quality Standards for ozone and may relieve areas from some of the burden associated with adopting additional local controls.

It's important to emphasize that this would be a proposal, subject to stakeholder and public input through the notice and comment process. We agree that major rules such as Tier 3 require robust and transparent analyses of air quality, technological feasibility, and potential costs and benefits. The forthcoming Tier 3 proposed rulemaking package, which has not yet been published for comment, will contain extensive, detailed analyses of the rule's potential impacts on the refining and auto industries as well as its anticipated health and air quality benefits and potential impacts on refinery greenhouse gas emissions. The EPA will, of course, carefully consider and respond to all timely comments on the proposed rule before promulgating a final rule.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Patricia Haman in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2806.

Sincerely,

A handwritten signature in black ink, appearing to read "Gina McCarthy", with a stylized, flowing script.

Gina McCarthy
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 22 2013

OFFICE OF
AIR AND RADIATION

The Honorable David Vitter
United States Senate
Washington, D.C. 20510

Dear Senator Vitter:

Thank you for your letter of February 4, 2013, co-signed by four of your colleagues, expressing concerns with the U.S. Environmental Protection Agency's forthcoming proposed regulations for motor vehicle emissions and gasoline standards known as the "Tier 3" standards.

The EPA is developing proposed Tier 3 standards to improve air quality by reducing harmful pollutants emitted from motor vehicles, and to create a harmonized national vehicle emissions control program. Similar to the Tier 2 standards referred to in your letter, we expect the proposed Tier 3 standards to be based on a "systems approach" that includes proposed vehicle emission standards as well as proposed reductions in gasoline sulfur content. Considering the vehicle and its fuel as an integrated system enables technologically feasible and cost-effective emission reductions beyond what would be possible looking at vehicle and fuel standards in isolation.

At the time the Tier 2 standards were developed, there was not sufficient data on vehicle operation and emission performance with gasoline sulfur levels below 30 ppm. Since that time, it has been demonstrated that catalyst efficiency would be significantly improved with even lower sulfur levels, including for Tier 2 vehicles. The Tier 3 gasoline sulfur standards that we are considering proposing would require sulfur levels similar to that already being achieved in California, Europe, Japan, South Korea, and several other countries. Lower sulfur gasoline will lead directly to emission reductions and is necessary to operate the pollution control equipment to achieve new Tier 3 vehicle standards.

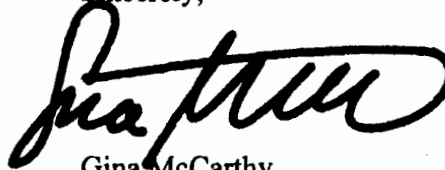
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Again, thank you for your letter. If you have further questions, please contact me or your staff may call Patricia Haman in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2806.

Sincerely,

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Gina McCarthy
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 22 2013

OFFICE OF
AIR AND RADIATION

The Honorable John Hoeven
United States Senate
Washington, D.C. 20510

Dear Senator Hoeven:

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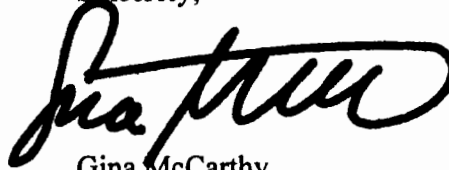
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Again, thank you for your letter. If you have further questions, please contact me or your staff may call Patricia Haman in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2806.

Sincerely,

A handwritten signature in black ink, appearing to read "Gina McCarthy", with a stylized, flowing script.

Gina McCarthy
Assistant Administrator

JOHN KLINE
2ND DISTRICT, MINNESOTA

CHAIRMAN
COMMITTEE ON EDUCATION AND THE WORKFORCE

COMMITTEE ON ARMED SERVICES



UNITED STATES
HOUSE OF REPRESENTATIVES

13-000-2173

2439 RAYBURN BUILDING
WASHINGTON, DC 20515
(202) 225-2271

350 WEST BURNSVILLE PARKWAY
SUITE 135
BURNSVILLE, MN 55337
(952) 808-1213

KLINE HOUSE.GOV

February 8, 2013

The Honorable Lisa P. Jackson
Administrator
United States Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator Jackson:

The Environmental Protection Agency (EPA) has finalized their rule titled "National Emissions Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines." The final rule imposes new standards for certain emergency stationary engines, including restrictions on their use for peak shaving or other non-emergency demand response programs. While the rule includes provisions allowing their use prior to May 3, 2014 for up to 50 hours per year for peak shaving, the final rule did not exempt generators that used fewer than 100 hours each year.

While I opposed this rule from the beginning because of the harmful effects on our economy and environment, I request that EPA grant all requests for relief from the May 3, 2014 compliance deadline for existing stationary emergency engines that run fewer than 100 hours for peak shaving. Granting relief from the 50 hour limit will provide schools, municipalities, and small businesses across the country regulatory certainty as they prepare to implement this economically damaging rule.

If the 50 hour per year limit is not waived for those generators that use fewer than 100 hours each year, many affected sources may not have enough time to take all of the necessary steps needed to comply, including properly budgeting for the costly equipment upgrades required under the final rule. In my congressional district alone, one school system will need to spend \$250,000 for generator upgrades now to comply, even though their use for peak shaving is a mere 12 hours over the EPA's new 50-hour limit. Additionally, some of my constituents stand to lose electrical rate discounts they receive from utilities because they may be deemed to be using non-compliant generators.

In their final rule the agency states that "[Generators] may be preferable in terms of air quality impacts than relying on other generation, including coal-fired spinning reserve generation." Yet, the EPA has moved forward with this final rule for which they estimate the compliance costs will be \$840 million across the United States. While the \$250,000 one school system in my district will be required to spend may not seem like much in context of the final rule, it is a significant amount to my constituents.

These precious taxpayer resources could be better spent on programs within the school district for children with special needs, school infrastructure improvements, or more teachers in the school system. I request you review and grant extension requests for those with stationary generators using fewer than 100 hours as they work to meet the May 3, 2014 deadline, and that the agency recognize the consequences of your expensive requirements on local school districts and small businesses in our communities.

Thank you for your consideration of my request. I look forward to working with you to address this issue. Should you have any questions, your staff can contact Ryan Silverberg in my office at (202) 225-2271 or ryan.silverberg@mail.house.gov.

Sincerely,


JOHN KLINE
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 10 2013

OFFICE OF
AIR AND RADIATION

The Honorable John Kline
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Kline:

Thank you for your letter of February 8, 2013, to the U.S. Environmental Protection Agency regarding the final amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Stationary Reciprocating Internal Combustion Engines (RICE), which were published in the *Federal Register* on January 30, 2013.

The final amendments addressed several petitions for reconsideration, legal challenges and new technical information submitted by stakeholders, including industry and environmental groups, which were brought to the EPA's attention after publication of the original 2010 standards. The final revisions reduced the capital and annual costs of the original 2010 rules by \$287 million and \$139 million, respectively, while still reducing 2,800 tons per year (tpy) of hazardous air pollutants, 36,000 tpy of carbon monoxide, 2,800 tpy of particulate matter, 9,600 tpy of nitrogen oxides, and 36,000 tpy of volatile organic compounds. Pollutants emitted from diesel engines are known or suspected to cause cancer and other serious health effects.

Based on public comments on the June 7, 2012, proposed amendments to the RICE NESHAP, the EPA determined that operation for peak shaving does not fairly come under the definition of emergency use for emergency engines. Commenters emphasized that the use of stationary engines for peak shaving is primarily a means to reduce electricity costs on high demand days (or to augment income), rather than a tool for addressing emergency situations such as a blackout or brownout. Recognizing that certain types of utilities use stationary engines for peak shaving, the final rule provides additional time for these entities to comply: either 50 hours allotted for peak shaving until May 2014, or the owner-operator can request a one-year extension until May 2014 to install controls.

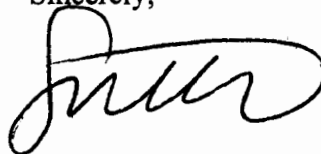
In the letter, you requested that the EPA grant all requests to extend the compliance date until May 3, 2014, for stationary engines that are used for peak shaving for greater than 50 but less than 100 hours per year. The EPA set the compliance date (May 2013) for existing stationary engines at 3 years following the effective date of the standards. Section 112(i)(3) of the Clean Air Act requires that compliance for existing engines be "as expeditious as practicable, but in no event later than three years after the effective date of such standard . . ." However, as noted above, the Clean Air Act and the associated regulations allow the owner or operator of an existing source who is unable to comply with the RICE NESHAP to request an extension allowing the source up to one additional year to comply with the standard, if such additional period is necessary for the installation of controls. The EPA does not

have the authority to extend the compliance date beyond the additional year. Requests for extensions of the compliance date for up to one year for engines located in Minnesota should be submitted to the EPA Region 5 at the address below.

Attn: Compliance Tracker (AE-17J)
Air Enforcement and Compliance Assurance Branch
Air and Radiation Division
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

Again, thank you for your letter. If you have further questions, please contact me, or your staff may call Cheryl Mackay in the EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2023.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gina McCarthy', with a large, stylized initial 'G' and a long horizontal flourish.

Gina McCarthy
Assistant Administrator